Page 1 of 2

DOCKET NO.: 2007-1192-AIR-E **TCEQ ID:** RN100216134 **CASE NO.:** 34328

RESPONDENT NAME: Signal Hill Wichita Falls Power, LP

ORDER TYPE:					
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING			
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER			
_AMENDED ORDEREMERGENCY ORDER					
CASE TYPE:					
<u>X</u> AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE			
PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION			
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL			
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION			
SITE WHERE VIOLATION(S) OCCURRED: Signal Hill Wichita Falls, 4511 Allendale Road, Wichita Falls, Wichita County TYPE OF OPERATION: Electric power generation plant SMALL BUSINESS: YesX No OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location. INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter. COMMENTS RECEIVED: The Texas Register comment period expired on November 26, 2007. No comments were received. CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. R. Clay Spears, CEO, Signal Hill Wichita Falls Power, LLC, 333 Clay Street, Suite 4960, Houston, Texas 77002 Respondent's Attorney: Not represented by counsel on this enforcement matter					

${\bf RESPONDENT\ NAME:}$ Signal Hill Wichita Falls Power, LP

DOCKET NO.: 2007-1192-AIR-E

VIOLATION SUMMARY CHART:				
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED 1001 /2		
Type of Investigation: Complaint Routine Enforcement Follow-upX Records Review Date(s) of Complaints Relating to this Case: None	Total Assessed: \$1,625 Total Deferred: \$325 X Expedited Settlement Financial Inability to Pay SEP Conditional Offset: \$0	Corrective Actions Taken: The Executive Director recognizes that the Respondent filed the required deviation report on March 12, 2007.		
Date of Record Review Relating to this Case: June 18, 2007 Date of NOE Relating to this Case: July 13, 2007 (NOE) Background Facts: This was a record review for compliance with the air program. One significant program violation was observed.	Total Paid to General Revenue: \$1,300 Site Compliance History Classification _X_ High Average Poor Person Compliance History Classification _X_ High Average Poor Major Source: X_ Yes No			
AIR Failure to submit a deviation report during the semi-annual period in which the deviation occurred or within 30 days after the end of the semi-annual period [30 Tex. ADMIN. CODE § 122.145(2) and Tex. HEALTH & SAFETY CODE § 382.085(b)].	Applicable Penalty Policy: September 2002			
	in the second of	1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 -		

Additional ID No(s).: WH0083W

Policy Revision 2 (Septe		alty Calcu	ılation \	Works	heet (P	•	evision June 26, 2007
TCEQ							
DATES Assigned PCW	23-Jul-2007 27-Jul-2007 So	creening 26-Ju	ul-2007	EPA Due		1	
RESPONDENT/FACILITY	INFORMATION						
Respondent	Signal Hill Wichita I	Falls Power, LP					
Reg. Ent. Ref. No. Facility/Site Region				Maior/M	linor Source	Major	
CASE INFORMATION	24220			No. c	of Violations	.[1	
Enf./Case ID No. Docket No.	34328 2007-1192-AIR-E			NO. C	Order Type		
Media Program(s)				Enf.	Coordinato	r Harvey Wilson	
Multi-Media	Innië Bilini	en Ina	num "	10.000	EC's Team	EnforcementTeam	l 3
Admin. Penalty \$ L	.imit iviinimum	\$0 Maxin		\$10,000	·····		
		Penalty C	alculation	n Sect	ion		
TOTAL BASE PENAL						Subtotal 1	\$2,500
		era eranoa desendada desendada de la compaña de la comp				-	
ADJUSTMENTS (+/-) Subtotals 2-7 are obtain	TO SUBTOTAL ned by multiplying the To	. I ≀tal Base Penaltv (Si	ubtotal 1) by the	indicated perc	entage,		
Compliance Histo		, (00		nhancement	Sub	totals 2, 3, & 7	-\$250
	A 10% reduction is			Responder	nt is classifie	d	
Notes			Performer.				
Culpability	No		0% Fr	nhancement		Subtotal 4	\$0
		6 m d = 1 1			loria		
Notes	i he Rest	oondent does not	meet the ct	iipability Crit	tend.		
Good Faith Effor	to Comply		25% 1	Reduction		Subtotal 5	\$625
Coon and Enon		OV to EDPRP/Settle					
Extraordinary							
Ordinary N/A	X (ma	ark with x)					
			I deviation -	inort on Ma-	rch 12 2007		
Notes	The Respondent	med the required	ueviation re	port on Ma	1011 12, 2007		
			0% Enl	hancement*		Subtotal 6	\$0
	Total EB Amounts	\$5		the Total EB \$	Amount		
Approx.	Cost of Compliance	\$200					
SUM OF SUBTOTAL	S 1-7					Final Subtotal	\$1,625
		V B= 2					\$0
OTHER FACTORS AS Reduces or enhances the Final S			number only: e	g30 for -30%	6.)	Adjustment	\$(
Treadices of enhances the Hildi S	Jascotti by the mulcated	ps.comago. (Enter		3. 22.07	,		
Notes							
And the second s				5/11/11/11	Final P	ੁ enalty Amount ☐	\$1,625
STATUTORY LIMIT A	ADJUSTMENT				Final As:	sessed Penalty	\$1,62
DEFERRAL			Г	20%	Reduction	Adjustment	-\$32
Reduces the Final Assessed Per	nalty by the indicted perc	centage. (Enter num	nber only; e.g. 20		\$2504.0002.0003.00.000000000000000000000000		
NI 4.	5	eferral offered for	r evpedited e	attlament			
Notes	D.	ololiai olielea 10	. cyhediled 8	,omonicili.			
	<u> </u>						· · · · · · · · · · · · · · · · · · ·
	valuet in the book of the book			v		**************************************	\$1.30

Docket No. 2007-1192-AIR-E PCW Screening Date 26-Jul-2007 Respondent Signal Hill Wichita Falls Power, LP Policy Revision 2 (September 2002) Case ID No. 34328 PCW Revision June 26, 2007 Reg. Ent. Reference No. RN100216134 Media [Statute] Air Enf. Coordinator Harvey Wilson **Compliance History Worksheet** >> Compliance History Site Enhancement (Subtotal 2) Component Number of.. Enter Number Here Adjust. Written NOVs with same or similar violations as those in the current enforcement action 0 0% (number of NOVs meeting criteria) NOVs Other written NOVs 0% Any agreed final enforcement orders containing a denial of liability (number of orders Ò 0% meeting criteria) Orders a Mariana da La Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory O 0% emergency orders issued by the commission Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting O 0% Judgments and Consent Any adjudicated final court judgments and default judgments, or non-adjudicated final court Decrees judgments or consent decrees without a denial of liability, of this state or the federal 0% 0 government Any criminal convictions of this state or the federal government (number of counts) 0% Convictions Chronic excessive emissions events (number of events) 0 0% Emissions Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of 0 0% audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege 0 0% Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Please Enter Yes or No Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director under a No 0% special assistance program Other Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal government No 0% environmental requirements Adjustment Percentage (Subtotal 2) >> Repeat Violator (Subtotal 3) No 0% Adjustment Percentage (Subtotal 3) >> Compliance History Person Classification (Subtotal 7 High Performer Adjustment Percentage (Subtotal 7 >> Compliance History Summary

A 10% reduction is recommended because the Respondent is classified as a High Performer.

Compliance History

Notes

Total Adjustment Percentage (Subtotals 2, 3, & 7)

	ning Date 26-Jul-2007	Docket No. 2007-1192-AIR-E	PCW
	spondent Signal Hill Wichita Falls Power, LP		Policy Revision 2 (September 2002)
	se ID No. 34328 rence No. RN100216134		PCW Revision June 26, 2007
	[Statute] Air		
	ordinator Harvey Wilson	•	
Violat	on Number 1		
	Rule Cite(s) 30 Tex. Admin. Code § 122.145(2) and Tex. Health & Safety Code § 382.	085(b)
Violation	Description occurred or within 30 days after the deviation report was due no later	uring the semi-annual period in which the e end of the semi-annual period. Specific than September 16, 2006 but was not file March 12, 2007.	ally, the
		Bas	e Penalty \$10,000
>> Environmental.	Property and Human Health Matrix		
,	Harm	-	
OR	Release Major Moderate Mino Actual Potential	Percent 0%	
>>Programmatic N	atrix Falsification Major Moderate Mino	r	
	X .	Percent 25%	
Matrix Notes	100% of the rule requ	uirement was not met.	
		Adjustment	\$7,500
			\$2,500
Violation Events			
suspection of the second of th	Number of Violation Events 1	177 Number of violation da	ıys
		L.	-
***************************************	daily monthly		2
	mark only one quarterly	Violation Bas	se Penalty \$2,500
	with an x semiannual		
***************************************	annual single event x		
	One single even	t is recommended.	
Economic Benefit	(EB) for this violation	Statutory Limit Te	est
	Estimated EB Amount	\$5 Violation Final Pe	nalty Total \$1,625
CONTRACTOR	This viola	ation Final Assessed Penalty (adjusted	for limits) \$1,625

	E	conomic I	Benefit W	orks	heet		
Respondent Case ID No.	Signal Hill Wich	ita Falls Power, LF			·		
Reg, Ent. Reference No.					20		
Media		•				Percent Interest	Years of Depreciation
Violation No.	1					5.0	Depreciation 15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
						·	
Delayed Costs				1	I 60		#0
Equipment Buildings				0,0	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.0	\$0	\$0 \$0	\$0
Engineering/construction				0.0	\$0	\$0 \$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0 \$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$200	16-Sep-2006	12-Mar-2007	0.5	\$5	n/a	\$5
Notes for DELAYED costs	The estimated				ate Required is the viation report was	e date the deviation filed.	report was due.
Avoided Costs	ANN	UALIZE [1] avoide	ed costs before e	nterina	item (except for	one-time avoided o	osts)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0,0	\$0	\$0	\$0
Supplies/equipment				0,0	\$0	\$0	\$0
Financial Assurance [2]				0,0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$200			TOTAL		\$5

Compliance History

Customer/Respondent/Owner-Operator: CN603031485 Signal Hill Wichita Falls Power, LP Classification: HIGH Rating: 0.00 RN100216134 SIGNAL HILL WICHITA FALLS Classification: HIGH Site Rating: 0. Regulated Entity: ID Number(s): AIR OPERATING PERMITS ACCOUNT NUMBER WH0083W AIR OPERATING PERMITS **PERMIT** AIR NEW SOURCE PERMITS **PERMIT** 16750 AIR NEW SOURCE PERMITS **PERMIT** 44684 AIR NEW SOURCE PERMITS ACCOUNT NUMBER WH0083W AIR NEW SOURCE PERMITS AFS NUM 4848500027 AIR NEW SOURCE PERMITS EPA ID PSDTX685 AIR NEW SOURCE PERMITS ACCOUNT NUMBER WH0083W REGISTRATION 78918 AIR NEW SOURCE PERMITS TXD157618703 INDUSTRIAL AND HAZARDOUS WASTE **EPAID** GENERATION INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REGISTRATION # 83118 **GENERATION** (SWR) **PERMIT** TXR05L919 STORMWATER **PERMIT** TXR05T129 **STORMWATER STORMWATER PERMIT** TXR05U133 4511 ALLENDALE RD, WICHITA FALLS, TX, 76310 Rating Date: September 01 06 Repeat Viola Location: NO TCEQ Region: **REGION 03 - ABILENE** Date Compliance History Prepared: July 24, 2007 Enforcement Agency Decision Requiring Compliance History: Compliance Period: July 24, 2002 to July 24, 2007 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History 239-0321 Name: Harvey Wilson Phone: **Site Compliance History Components** 1. Has the site been in existence and/or operation for the full five year compliance period? Yes 2. Has there been a (known) change in ownership of the site during the compliance period? Signal Hill Wichita Falls Power, LP 3. If Yes, who is the current owner? 4. if Yes, who was/were the prior owner(s)? Mirant 4-May-06 5. When did the change(s) in ownership occur? Components (Multimedia) for the Site: Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. N/A В. Any criminal convictions of the state of Texas and the federal government. N/A C. Chronic excessive emissions events. The approval dates of investigations. (CCEDS Inv. Track. No.) D. 1 02/27/2002 (111918)2 04/09/2002 (111919)3 08/29/2002 (10254)4 03/20/2003 (27644)5 06/04/2004 (272988)

6 03/10/2005

7 10/15/2005

8 04/05/2006

9 04/05/2006

10 04/05/2006

(373514)

(433428)

(461308)

(461315)

(461280)

11 07/13/2007 (564920)

E. Written.notices.of violations (NOV). (CCEDS Inv. Track. No.)

N/A

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

. : N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
SIGNAL HILL WICHITA FALLS	§	TEXAS COMMISSION ON
POWER, LP	§	
RN100216134	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1192-AIR-E

I. JURISDICTION AND STIPULATIONS

At its ______ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Signal Hill Wichita Falls Power, LP ("Signal Hill") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Signal Hill appear before the Commission and together stipulate that:

- 1. Signal Hill owns and operates an electric power generation plant at 4511 Allendale Road in Wichita Falls, Wichita County, Texas (the "Plant").
- 2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
- 3. The Commission and Signal Hill agree that the Commission has jurisdiction to enter this Agreed Order, and that Signal Hill is subject to the Commission's jurisdiction.
- 4. Signal Hill received notice of the violations alleged in Section II ("Allegations") on or about July 18, 2007.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Signal Hill of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of One Thousand Six Hundred Twenty-Five Dollars (\$1,625) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Signal Hill has paid One Thousand Three Hundred Dollars (\$1,300) of the

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administrative penalty and Three Hundred Twenty-Five Dollars (\$325) is deferred contingent upon Signal Hill's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Signal Hill fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Signal Hill to pay all or part of the deferred penalty.

- 7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
- 8. The Executive Director of the TCEQ and Signal Hill have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. The Executive Director recognizes that Signal Hill filed the required deviation report on March 12, 2007.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Signal Hill has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, Signal Hill is alleged to have failed to submit a deviation report during the semi-annual period in which the deviation occurred or within 30 days after the end of the semi-annual period, in violation of 30 Tex. ADMIN. CODE § 122.145(2) and Tex. Health & Safety CODE § 382.085(b), as documented during a record review conducted on June 18, 2007.

III. DENIALS

Signal Hill generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Signal Hill pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Signal Hill's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Signal Hill Wichita Falls Power, LP, Docket No. 2007-1192-AIR-E" to:

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(4) The control of the following state of the state of the sales of

Financial Administration Division, Revenues Section Attention: Cashier's Office, MC 214 Texas Commission on Environmental Quality P.O. Box 13088 Austin, Texas 78711-3088

- 2. The provisions of this Agreed Order shall apply to and be binding upon Signal Hill. Signal Hill is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
- 3. This Agreed Order, issued by the Commission, shall not be admissible against Signal Hill in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- 4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 5. Under 30 Tex. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Signal Hill, or three days after the date on which the Commission mails notice of the Order to Signal Hill, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Principal Administration (Constitution of the Constitution of the

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Authorized Representative of Signal Hill Wichita Falls Power, LP

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	
For the Executive Director	12/03/2007 Date
attached Agreed Order on behalf of the entity in	attached Agreed Order. I am authorized to agree to the dicated below my signature, and I do agree to the terms lowledge that the TCEQ, in accepting payment for the resentation.
 timely pay the penalty amount, may result in: A negative impact on compliance history; Greater scrutiny of any permit application Referral of this case to the Attorney Ger penalties, and/or attorney fees, or to a coll Increased penalties in any future enforcen 	as submitted; heral's Office for contempt, injunctive relief, additional lection agency; hent actions; al's Office of any future enforcement actions; and by law.
Signature R. Clay Spears	Date CEO, Signal Hill Power LLC Title
Name (Printed or typed)	Title of Parkers

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

កាល ប្រជាជាក្នុង ប្រជាជាក្នុង ប្រជាជាក្នុង ប្រជាជាក្នុង ខេត្ត អង្គមាន ប្រជាជាក្នុង ក្រសាទប្រជាជាក្នុង ប្រជាជាក ប្រជាជាក្នុង ស្ថាន សមានប្រជាជាក្នុង ស្ថាន ស្ថាន ប្រជាជាក្នុង ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស ប្រជាជាក្នុង ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថានស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ថាន ស្ ស្ថាន ស្

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